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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/056,550	01/25/2002	Richard E. Michaelson	29757/P-570	8841

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EXAMINER	
YOO, JASSON H	

ART UNIT	PAPER NUMBER
3714	

DATE MAILED: 03/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

E

Office Action Summary	Application No.	Applicant(s)	
	10/056,550	MICHAELSON, RICHARD E.	
	Examiner	Art Unit	
	Jasson Yoo	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 June 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,14-21,34-39 and 41* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,14-21,34-39 and 41* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *14 December 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *10/6/05*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

This office action is in response to the amendment filed on 6/20/05, and pending claims 1-3, 14-21, 34-49, and 41 submitted on 12/17/04.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-3, 14-21, 34-39, and 41 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Independent claims 1, 14, 17, 34, 39, and 41 substantially recite "deducting a fee at intervals from the value total independent of play of said game represented by said video image and *independent of input from a player*;". The specification states "the routine may deduct a fee from the value total," and "the amount of the fee may be determined based on input from the player." However there is no suggestion in the specification that a fee is deducted at intervals from the value total, independent of input from a player.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 14-20, 34-37, 39 and 41 are rejected under 35 U.S.C. 102(b) as being anticipated by Walker et al. (U.S. 6,077,163).

Claims 1, 14, 17, 34; Walker discloses a gaming method comprsing:

Receving a value amount to initially define a value total (Abstract, Figs. 2B, 5, 8A-B, 11A, 15, column 2, lines 1-5, and column 3, lines 25-30);

Causing a video image representing a game to be generated, said video image representing one of the following games: video poker, video blackjack, video slots, video keno and video bingo, said video image comprising an image of at least five playing cards if said game comprises video poker, said video image comprising an image of a plurality of simulated slot machine reels if said game comprises video slots, said video image comprising an image of a plurality of keno numbers if said game comprises video keno, and said video image comprising an image of a bingo grid if said game comprises video bingo (Column 3, lines 1-5);

deducting a fee at intervals from the value total independent of play of said game represented by said video image and independent of input from a player (Abstract, Figs.

2B, 5, 8A-B, 11A, 15, column 1, lines 62-65, column 2, lines 1-5, column 3, lines 25-30, column 11, lines 51-57, and claims 5, 36, 46, and 59); A flat rate fee is deducted at each player session;

determining based on the fee a value payout associated with an outcome of said game represented by said video image [(Figs. 6, 8A-B, and column 6, line 56-column 12, line 21) Based on the flat rate fee that is calculated the number of coins bet per play a pay combination jackpot is established as shown in figure 6 for example.]; and

adding the value to the value total (Fig. 13, Column 3, lines 25-30, and column 4, lines 27-35).

Claims 2, 15, and 35; Walker discloses deducting a fixed fee periodically from the value total independent of play of said game represented by said video image (Abstract, Figs. 2B, 5, 8A-B, 11A, 15, column 2, lines 1-5, and column 3, lines 25-30); A flat rate fee is deducted at each player session.

Claims 3, 16, 19, and 36; Walker discloses interrupting for a period of time the deducting of a fee at intervals from the value total independent of play of said game represented by said video image (Column 4, lines 26-34). When a player cashes out early or transfers to another gaming machine the deducting of fees is interrupted.

Claims 20 and 37; Walker discloses the gaming apparatuses being interconnected to form a network of gaming apparatuses (Fig. 1, 3, and column 3, line 40-column 4, line 4).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 21 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (U.S. 6,077,163) in view of Lott (5,851,011).

Claims 21 and 38, as discussed above, Walker discloses the gaming devices are connected to a network. However, Walker does not specifically teach the gaming devices are interconnected via the Internet. In an analogous art to operating gaming machines connected to a network, Lott teaches a gaming machine connected to a network and the Internet. Many video based casino games are offered over the Internet, thereby making the games available to a potentially enormous audience (col. 3:52-54). The games offered over the Internet allow players to interact with each other (share jackpot, cols. 7:32-39, 13:7-33). The operator, or casino management system could further monitor all monetary exchanges between the remote gaming machines and the player (cols. 14:66 - 15:10). Therefore it would have been obvious in one

skilled in the art at the time the invention was made to modify Walker's gaming device connected to a network, and incorporate the network to include the Internet, in order to offer a large numbers of players to play the game while managing and monitoring all monetary exchanges between the gaming machines and players.

Response to Arguments

Applicant's arguments filed 6/17/05 have been fully considered but they are not persuasive.

Regarding claims 1-3, 14-21, 34-39, and 41 rejected under 35 U.S.C. 112, first paragraph; applicant request detailed explanation as to the basis for this rejection be provided. As discussed above, the independent claims 1, 14, 17, 29, and 41 limits the claimed invention as "deducting a fee at intervals from the value total...independent of input from a player." However, the specification as originally filed, does not support the limitation "deducting a fee at intervals from the value total independent of input from a layer;" as recited in each of the independent claims.

The application states "the routine may begin at block 122 where a player may enter value into one of the gaming units 20, 30" (specification page 9:22-23), disclosing a process of initiating the game. The following description in page 9:23-10:10 describes a process or a routine that may be preformed during the operation of the gaming unit.

The specification regarding to deducting a fee is stated in page 10, lines 11-22 stating,

"At a block 128, the routine may deduct a fee from the value total. The fee may be based on time of play, rather than being assessed based on a game event, such as a hand, spin, card, ticket, etc. The fee deducted or assessed my thus be independent of the game being played, there being no one-to-on correspondence between fee and game event as there is between wager and game event in a typical casino game, such as poker, blackjacks, slots, keno, bingo and the like. It may be possible for the player to play one, or more than one, or less than one hand, spin, card, ticket etc. per fee deduction depending upon the unit of time per fee and the length of time required by the player to complete the game event.

The amount of the fee may be fixed or variable. Moreover, the amount of the fee may be determined based on input from the player. Further, the timing of the fee deduction may be more or less continuous, periodic or at irregular time intervals."

The above stated specification (page 10, lines 11-22) suggest the fee may be a fixed or a variable rate depending on the nature of the game or the player's involvement in the game, and does not suggest "deducting a fee at intervals from the value total independent of input from a layer;" as recited in claims 1, 14, 17, 29.

In regard to the rejections (claims 1-3, 14-20, 34-37, 39) based on Walker et al., applicant argued the flat rate price is a function of the parameters selected, which involves the player, and therefore is not independent of input from a player. The examiner respectfully disagrees. The deductions of the fee occur at intervals, or as time progresses during the playtime of the game (cols. 13:60 – 14:3). As shown in steps 1128, 1130, 1132 in Fig. 11B, the CPU calculates a new price based on the flat rate price, and compares it with the time remaining (deduction of the fee occurring at

intervals of time). In step 1134, the player is allowed to play the gaming machine at no cost if there are remaining credits. Therefore the CPU calculates the deduction of the fee at intervals, and is independent of input from a player. Furthermore, when the player terminates the flat rate session early, the value of the interval remaining is added to the player's credit balance (col. 14:11-14). This further suggests that deductions occur at intervals, by allowing players to retain unused credits.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jasson Yoo whose telephone number is (571)272-5563. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Jones can be reached on (571)272-4438. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JHY

CORBETT B. COBURN
PRIMARY EXAMINER